



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

November 27, 1989  
AO-89-25

James Coughlin  
Executive Director  
Citizens for a  
John F. Kennedy Holiday  
P.O. Box 122  
State House  
Boston, MA 02133

Dear Mr. Coughlin:

This letter is in response to your request for an advisory opinion.

You have stated that your organization, Citizens for a John F. Kennedy Holiday ("Citizens"), is working towards placing a J.F.K. Holiday on the ballot. You wish to hire the New Boston Group (the "Group"), a corporation which raises funds for such organizations as Harvard University and the Sierra Club, to do fundraising for a fee.

You have inquired whether the New Boston Group corporation needs to register as a political committee.

Section 1 of M.G.L. c.55 states that a political committee is "any committee, association, organization or other group of persons, including a national, regional, state, county or municipal committee, which receives contributions or makes expenditures for the purpose of . . . opposing or promoting a charter change, referendum question, constitutional amendment, or other question submitted to the voters."

Although the Group would appear to be raising monies for a ballot question, it is the opinion of this office that in doing so for a fee for Citizens, the Group would not be operating as a political committee. It is the further opinion of this office that Citizens will be operating as a political committee if it raises monies to promote a ballot question regardless of whether or not it has contracted with another organization to conduct such fundraising.

Section 18 of M.G.L. c.55 requires that a political committee list on the reports it files ". . . the full name and residential address, listed alphabetically, of each

person who has made a contribution . . . in an amount in excess of fifty dollars in the reporting period, and such information for each contribution of less than or equal to the sum of fifty dollars, if the aggregate of all contributions received from such contributor with said reporting period is in excess of fifty [dollars], as the case may be, and the amount or value and the date of the contribution and the total of all contributions listed. . ."

In addition, sections 2 and 5 of M.G.L. c.55 require the treasurer of a political committee to keep detailed accounts of all contributions received by the committee, such accounts to include the full name and residential address of each contributor. Section 23 of M.G.L. c.55 obligates anyone receiving money on behalf of a political committee to give to the treasurer of the committee a detailed account of the same within three business days after receiving such money.

If Citizens, as a political committee, contracts with the Group for fundraising purposes, the Group must gather and forward to Citizens the information regarding contributors described above in accordance with the schedule required by section 23.

We would note that section 18 of M.G.L. c.55 further states that a political committee shall report each expenditure it makes and "the full name and address listed alphabetically, of each person to whom an expenditure is made, in the reporting period, in an amount or value, date and purpose of each such expenditure . . ." We would therefore advise that all contributions collected by the Group be forwarded to Citizens as gross proceeds and not proceeds net of the Group's fee. The Group should be paid by Citizens directly and the expenditure reported by Citizens as required by section 18.

This opinion has been rendered solely on the basis of the representations in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue  
Director